

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COSTCO WHOLESALE CORPORATION, a
Washington corporation,

Plaintiff,

v.

ROGER HOEN, VERA ING, and MERRITT
LONG, in their official capacities as members
of the Washington State Liquor Control Board;

Defendants, and

WASHINGTON BEER AND WINE
WHOLESALE ASSOCIATION, a
Washington non-profit corporation;

Intervenor Defendant.

NO. CV04-360P

**DEFENDANTS' RESPONSES AND
OBJECTIONS TO**

**PLAINTIFF'S REQUESTS FOR
ADMISSION TO WSLCB
DEFENDANTS**

Plaintiff Costco Wholesale Corporation propounds the following requests for admission
to Defendants Hoen, Ing, and Long.

DEFINITIONS

Except as follows, plaintiff incorporates the definitions in its First Interrogatories.

The "prohibitions and requirements" or "prohibition or requirement" include the
following:

PLAINTIFF'S REQUESTS FOR ADMISSION TO WSLCB
DEFENDANTS (NO. CV04-360P) - I
[29040-0087-000000/Ans Req for Adm.DOC]

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

**PLAINTIFF'S
EXHIBIT**

CASE
NO. **CV04-0360P**

EXHIBIT
NO. **244**

- 1 a. prohibiting licensed retailers from purchasing directly from out-of-state
2 suppliers;
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5 b. requiring a mark-up of at least 10% by distributors, producers, and
6 wineries or brewers that sell directly to retailers;
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9 c. requiring uniform pricing by suppliers to all retailers regardless of
10 differences in volume, delivery practices, costs, or other factors;
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12 d. requiring advance posting of prices by suppliers;
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14 e. prohibiting suppliers from reducing prices during a month;
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16 f. prohibiting extension of credit to retailers by suppliers;
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18 g. prohibiting retailers from taking delivery of wine or beer at a central depot
19 or transferring wine or beer between retail locations;
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22 h. prohibiting licensed retailers from selling to or buying from other licensed
23 retailers; and
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26 i. prohibiting licensed retailers from warehousing wine.
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29 REQUESTS FOR ADMISSION

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31 **REQUEST FOR ADMISSION NO. 1:** Admit that there has been no affirmative
32 expression by the State of Washington that all or any of the prohibitions and requirements are
33 intended to control or reduce abusive or excessive consumption.
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37 **ANSWER: DENIED.** RCW 66.28.180 (1) and WAC 314-20-100, 314-24-190 address
38 effective control of consumption. Also, "orderly market" enacting of 6737 reaffirmed this, see
39 transcript of 3/11/04 of floor debate.
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45 **REQUEST FOR ADMISSION NO. 2:** Admit that there has been no affirmative
46 expression by the State of Washington that all or any of the prohibitions and requirements are
47 intended to increase prices to consumers.
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50 **ANSWER: DENIED.**
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1 **REQUEST FOR ADMISSION NO. 3:** Admit that there has been no affirmative
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3 expression by the State of Washington that all or any of the prohibitions and requirements are
4
5 intended to allow costs, public and private, to be considered in the consumer's consumption
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7 decision as possible.
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9 **ANSWER: OBJECTION.** Vague and incomprehensible as to what does "intended" or
10
11 the following phrase "to allow as many as many costs public and private to be considered in the
12
13 consumer's consumption decision as possible" mean. To the extent the question means that
14
15 prohibitions and requirements have no affirmative effect on consumer consumption, **DENIED.**
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27 **REQUEST FOR ADMISSION NO. 4:** Admit that there has been no affirmative
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29 expression by the State of Washington that all or any of the prohibitions and requirements are
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31 intended to subsidize small retailers.
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43 **ANSWER: OBJECTION** to the word "subsidize", it is not defined. **DENIED.** See
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45 RCW 66.28.180 (2)(d) and WAC 314-20-100, 314-24-190.
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1 **REQUEST FOR ADMISSION NO. 5:** Admit that there has been no affirmative
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3 expression by the State of Washington that all or any of the prohibitions and requirements are
4
5 intended to protect small retailers from competition by larger retailers.
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7 **ANSWER:** ADMIT that the prohibitions and requirements are not intended to protect
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9 small retailers from competition by larger retailers. To the extent the prohibitions and
10
11 requirements create equal access to the market, LCB admits, otherwise LCB DENIES.
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23 **REQUEST FOR ADMISSION NO. 6:** Admit that the prohibitions and requirements
24
25 have had no significant effect on the number of licensed retailers in the State of Washington.
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27 **ANSWER:** OBJECTION to the terms "significant effect" as vague ambiguous and
28
29 undefined. DENIED. To the extent the question means that the prohibitions and requirements
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31 do not limit the number of licensed retailers in the State of Washington the LCB admits.
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43 **REQUEST FOR ADMISSION NO. 7:** Admit that the prohibitions and requirements
44
45 are not necessary to assure what the WSLCB considers a sufficient number of licensed retailers
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47 in the State of Washington.
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49 **ANSWER:** OBJECTION to the phrase "the WSLCB considers a sufficient number of
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51 licensed retailers" because this is vague and ambiguous. DENIED. To the extent the question

PLAINTIFF'S REQUESTS FOR ADMISSION TO WSLCB
DEFENDANTS (NO. CV04-360P) - 4
[29040-0087-000000/Ans Req for Adm.DOC]

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

1 means that the prohibitions and requirements do not limit the number of licensed retailers in the
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3 State of Washington, the LCB admits.
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15 **REQUEST FOR ADMISSION NO. 8:** Admit that you are aware of no significant
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17 factual substantiation that the prohibitions and requirements control or reduce abusive or
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19 excessive consumption.
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21 **ANSWER:** OBJECTION to the phrase "significant factual substantiation" as vague and
22
23 ambiguous.
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27 **REQUEST FOR ADMISSION NO. 9:** Admit that you are aware of no significant
28
29 factual substantiation that the prohibitions and requirements have increased the number of small
30
31 retailers.
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33 **ANSWER:** OBJECTION to the phrase "significant factual substantiation" and to the
34
35 term "small retailers" as vague and ambiguous.
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39 **REQUEST FOR ADMISSION NO. 10:** Admit that you are aware of no significant
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41 factual substantiation that, but for the prohibitions and requirements, the number of licensed
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43 retailers would be below the number you deem sufficient to serve the people of the State of
44
45 Washington.
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47 **ANSWER:** OBJECTION to the phrase "significant factual substantiation" as vague and
48
49 ambiguous and speculative. **DENIED**
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1 **REQUEST FOR ADMISSION NO. 11:** Admit that you are aware of no significant
2
3 factual substantiation that, but for the prohibitions and requirements, abusive and excess
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5 consumption would exceed the levels you deem acceptable.
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7 **ANSWER:** OBJECTION to the phrase "significant factual substantiation" as vague and
8
9 ambiguous. DENIED,
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12 **REQUEST FOR ADMISSION NO. 12:** Admit that the State of Washington has never
13
14 examined whether any reduction of consumption as a result of the prohibitions and requirements
15
16 exceeds the increase in consumption due to the subsidization of small and remote retailers.
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19 **ANSWER:** OBJECTION to the phrase "increase in consumption due to the
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21 subsidization of small and remote retailers." ADMIT that LCB has not examined whether any
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23 reduction of consumption as the result of the prohibitions and requirements exceeds the increase
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25 in consumption because of the location of retailers large or small in remote areas.
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31 **REQUEST FOR ADMISSION NO. 13:** Admit that the State of Washington has never
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33 examined whether any reduction of consumption as a result of the prohibitions and requirements
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35 exceeds the increase in consumption due to volume discounts and temporary price reductions by
36
37 state stores.
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39 **ANSWER:** OBJECTION to the phrase "prohibitions and requirements exceeds the
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41 increase in consumption due to volume discounts and temporary price reduction by state stores"
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43 as vague and ambiguous. ADMIT the LCB has not examined whether consumption has
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1 increased due to volume discounts to consumers and temporary price reductions in state liquor
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3 stores. Except as specifically admitted, LCB denies the remaining request for admission.
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15 **REQUEST FOR ADMISSION NO. 14:** Admit that the State of Washington exercises
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17 no direct control over the prices charged by producers of wine and beer.
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19 **ANSWER:** OBJECTION to the phrase "direct control" as undefined, vague and
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21 ambiguous. DENIED See RCW 66.28.180(2)(d), 66.28.180(3)(d) and WAC 314-20-100, 314-
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23 24-190.
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35 **REQUEST FOR ADMISSION NO. 15:** Admit that the State of Washington exercises
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37 no direct control over the prices charged by distributors of wine and beer.
38

39 **ANSWER:** OBJECTION to the phrase "direct control" undefined, vague and
40
41 ambiguous. DENIED See RCW 66.28.180(2)(d), 66.28.180(3)(d) and WAC 314-20-100, 314-
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43 24-190.
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1 **REQUEST FOR ADMISSION NO. 16:** Admit that the State of Washington exercises
2
3 no direct control over the prices charged by retailers of wine and beer.
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5 **ANSWER:** OBJECTION to the phrase "direct control" as undefined, vague and
6
7 ambiguous. DENIED See WAC 314-11-085(1) and 314-52-110(2).
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10 **REQUEST FOR ADMISSION NO. 17:** Admit that producers of wine and beer
11
12 exercise a degree of private decision making in determining the prices they charge for wine and
13
14 beer.
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16 **ANSWER:** OBJECTION to the phrase "exercise a degree of private decision making in
17
18 determining the prices they charge" as vague and ambiguous. To the extent the question requests
19
20 that the LCB admit that producers of wine and beer make decisions to determine that the price
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22 they charge complies with statutory requirements for price posting LCB admits. Except as
23
24 specifically admitted, LCB denies the request for admission.
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36 **REQUEST FOR ADMISSION NO. 18:** Admit that distributors of wine and beer
37
38 exercise a degree of private decisionmaking in determining the prices they charge for wine and
39
40 beer.
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42 **ANSWER:** OBJECT to the phrase "exercise a degree of private decision making in
43
44 determining the prices they charge" as vague and ambiguous. To the extent the question requests
45
46 that the LCB admit that distributors of wine and beer make decisions to determine that the price
47
48 they charge complies with statutory requirements for price posting LCB admits. Except as
49
50 specifically admitted, LCB denies the request for admission.
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1 **REQUEST FOR ADMISSION NO. 19:** Admit that distributors of wine and beer
2
3 exercise a degree of private decision making in determining the services they offer with respect
4
5 to sales of wine and beer.
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7 **ANSWER:** OBJECT to the phrase "exercise a degree of private decision making in
8
9 determining the services offered" as vague and ambiguous. To the extent the question requests
10
11 that the LCB admit that distributors of wine and beer make decisions to determine services they
12
13 offer, LCB admits, as long as the distributor complies with WAC 314-12-140. Except as
14
15 specifically admitted, LCB denies the request for admission.
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19 **REQUEST FOR ADMISSION NO. 20:** Admit that retailers of wine and beer exercise
20
21 a degree of private decision making in determining the prices they charge for wine and beer.
22

23 **ANSWER:** OBJECTION to the phrase "exercise a degree of private decision making in
24
25 determining the prices they charge" as vague and ambiguous. To the extent the question requests
26
27 that the LCB admit that retailers of wine and beer make decisions to determine a price they
28
29 charge, LCB admits, as long as the retailer complies with WAC 314-11-085 and 314-52-110(2).
30
31 Except as specifically admitted, LCB denies the request for admission.
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35 **REQUEST FOR ADMISSION NO. 21:** Admit that the State of Washington does not
36
37 review the reasonableness of prices charged by distributors of wine and beer.
38

39 **ANSWER:** OBJECTION to the phrase "reasonableness of prices charged" as undefined,
40
41 vague and ambiguous. ADMIT to the extent that the LCB's review of the price charged by
42
43 distributors is to determine whether the price complies with statutory requirements. Except as
44
45 specifically admitted, LCB denies the request for admission.
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1 **REQUEST FOR ADMISSION NO. 22:** Admit that the State of Washington does not
2
3 review the reasonableness of prices charged by producers of wine and beer.
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5 **ANSWER:** OBJECTION to the phrase "reasonableness of prices charged" as undefined,
6
7 vague and ambiguous. ADMIT to the extent that LCB's review of the price charged by
8
9 producers is to determine whether the price complies with statutory requirements. Except as
10
11 specifically admitted, LCB denies the request for admission.
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23 **REQUEST FOR ADMISSION NO. 23:** Admit that the State of Washington does not
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25 review the reasonableness of prices charged by retailers of wine and beer.
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27 **ANSWER:** OBJECTION to the phrase "reasonableness of prices charged" as undefined,
28
29 vague and ambiguous. ADMIT to the extent that LCB's review of the price charged by retailers
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31 is to determine whether the price complies with WAC 314-11-085 and 314-52-110(2). Except as
32
33 specifically admitted, LCB denies the request for admission.
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45 **REQUEST FOR ADMISSION NO. 24:** Admit that the State of Washington does not
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47 review prices charged by distributors of wine and beer to determine their effect on abusive or
48
49 excessive consumption.
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51 **ANSWER: DENIED**

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REQUEST FOR ADMISSION NO. 25: Admit that the State of Washington does not review prices charged by producers of wine and beer to determine their effect on abusive or excessive consumption.

ANSWER: ADMIT

REQUEST FOR ADMISSION NO. 26: Admit that the State of Washington does not review prices charged by retailers of wine and beer to determine their effect on abusive or excessive consumption.

ANSWER: DENIED see WAC 314-11-085 and 314-52-110(2).

REQUEST FOR ADMISSION NO. 27: Admit that, except for purposes of operating the states stores, the State of Washington does not monitor market conditions in the markets for distribution of wine and beer.

ANSWER: OBJECTION to the phrase "monitor market conditions in the markets" as vague, ambiguous and undefined. **ADMIT**, except to the extent to the LCB requires distributors to comply with RCW 66.28.010, 180, LCB **DENIES**.

PLAINTIFF'S REQUESTS FOR ADMISSION TO WSLCB
DEFENDANTS (NO. CV04-360P) - 11
[29040-0087-000000/Ans Req for Adm.DOC]

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

1 **REQUEST FOR ADMISSION NO. 28:** Admit that, except for purposes of operating
2
3 the states stores, the State of Washington does not monitor market conditions in the markets for
4
5 retail sales of wine and beer.
6

7 **ANSWER:** OBJECTION to the phrase "monitor market conditions in the markets" as
8
9 vague, ambiguous and undefined. ADMIT, except to the extent to the LCB requires distributors
10
11 to comply with WAC 314-11-085 and 314-52-110(2), LCB DENIES.
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14 **REQUEST FOR ADMISSION NO. 29:** Admit that, except for purposes of operating
15
16 the states stores, the State of Washington does not monitor market conditions in the markets for
17
18 production of wine and beer.
19

20 **ANSWER:** OBJECTION to the phrase "monitor market conditions in the markets" as
21
22 vague, ambiguous and undefined. ADMIT, except to the extent to the LCB requires our
23
24 distributors to comply with RCW 66.28.010, 180 LCB DENIES.
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28 **REQUEST FOR ADMISSION NO. 30:** Admit that the State of Washington has not
29
30 undertaken any study to determine how many licensed retailers in any or all categories are
31
32 necessary to serve the public.
33

34 **ANSWER:** OBJECTION to the term "study" as vague and undefined. DENIED, the
35
36 LCB has reviewed the number of licensees to serve the public see Annual Reports for 1936,
37
38 1937, 1938, 1939, 1940, 1941, 1945, 1946, 1947, 1949, 1955 and Initiative Measure 171 in 1948
39
40 and 1949 legislation.
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43

44 **REQUEST FOR ADMISSION NO. 31:** Admit that the State of Washington has not
45
46 undertaken any study to determine the effect of termination of the prohibitions and requirements
47
48 on the number of licensed retailers of any or all categories.
49

50 **ANSWER:** OBJECTION to the term "study" as vague and undefined. DENIED
51

PLAINTIFF'S REQUESTS FOR ADMISSION TO WSLCB
DEFENDANTS (NO. CV04-360P) - 12
[29040-0087-000000/Ans Req for Adm.DOC]

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

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3 **REQUEST FOR ADMISSION NO. 32:** Admit that the State of Washington has not
4
5 undertaken any study to determine the effect of termination of the prohibitions and requirements
6
7 on the extent of abusive or excessive consumption.
8

9 **ANSWER:** OBJECTION to the term "study" as vague and undefined. **DENIED**
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13 **REQUEST FOR ADMISSION NO. 33:** Admit that the difficulty of acquiring services
14
15 from distributors in the State of Washington has reduced the number of wines available to
16
17 consumers at licensed retailers.
18

19 **ANSWER:** OBJECTION to the phrase "difficulty in acquiring services from
20
21 distributors" as vague and ambiguous. LCB ADMITS, to the extent that if plaintiff prevails the
22
23 consumer will have fewer choices of wines available for consumption. **DENIED**, to the extent
24
25 that Washington wineries have the ability to self distribute their product.
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35 **REQUEST FOR ADMISSION NO. 34:** Admit that the State of Washington has not
36
37 undertaken any study to determine whether it could more effectively reduce abusive or excessive
38
39 consumption by directly controlling retail prices of wine and beer than by use of the prohibitions
40
41 and requirements.
42

43 **ANSWER:** OBJECTION to the term "study" and to the phrase "directly controlling
44
45 retail prices" as vague and ambiguous. **DENIED**.
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1 **REQUEST FOR ADMISSION NO. 35:** Admit that the State of Washington has not
2
3 undertaken any study to determine whether it could more effectively reduce abusive or excessive
4
5 consumption by increasing taxes on wine and beer than by use of the prohibitions and
6
7 requirements.
8

9 **ANSWER:** OBJECTION to the term "study" as vague and undefined . ADMIT, except
10
11 to the extent Dr. Chaloupka's expert report opines that increasing taxes on wine and beer are not
12
13 necessarily effective in controlling abusive behavior. Except as specifically admitted, LCB
14
15 DENIES.
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25 **REQUEST FOR ADMISSION NO. 36:** Admit that the State of Washington has not
26
27 undertaken any study to determine whether the beliefs of some at the end of Prohibition with
28
29 respect to the dangers of tied houses were well-grounded in fact.
30

31 **ANSWER:** OBJECTION vague and ambiguous. DENIED see defendants initial
32
33 disclosure "1999 Three Tier Review" and 1935 Annual Report.
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37 **REQUEST FOR ADMISSION NO. 37:** Admit that the State of Washington has not
38
39 undertaken any study to determine whether the beliefs of some at the end of Prohibition with
40
41 respect to the dangers of tied houses are valid at this time in light of changes in the economy and
42
43 the passage or interpretation of laws that protect retailers of all products.
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45 **ANSWER:** OBJECTION vague and ambiguous. DENIED see defendants initial
46
47 disclosure "1999 Three Tier Review."
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REQUEST FOR ADMISSION NO. 38: Admit that the State of Washington has not undertaken any study to determine whether any negative impacts have arisen from allowing Washington producers to sell directly to retailers.

ANSWER: OBJECTION to the term "study" as vague and undefined. **ADMIT**

REQUEST FOR ADMISSION NO. 39: Admit that the State of Washington has not undertaken any study to determine whether any negative impacts have arisen from allowing Washington producers to also act as retailers.

ANSWER: OBJECTION to the term "study" as vague and undefined. **ADMIT**

REQUEST FOR ADMISSION NO. 40: Admit that the State of Washington has not undertaken any study to determine the effects on abusive or excessive consumption of the temporary price reductions made available to consumers in state stores.

ANSWER: OBJECTION to the term "study" as vague and undefined. **ADMIT**

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REQUEST FOR ADMISSION NO. 41: Admit that the State of Washington has not undertaken any study to determine the effects on abusive or excessive consumption of the volume discounts made available to consumers in state stores.

ANSWER: OBJECTION to the term "study" as vague and undefined. **ADMIT**

REQUEST FOR ADMISSION NO. 42: Admit that the State of Washington has not undertaken any study to determine the effects on abusive or excessive consumption of the quantity discounts obtained by WSLCB in purchases for state stores.

ANSWER: OBJECTION to the term "study" as vague and undefined. **ADMIT**

REQUEST FOR ADMISSION NO. 43: Admit that the State of Washington has not undertaken any study to determine the effects on abusive or excessive consumption of the credit extended to WSLCB with respect to purchases for state stores.

ANSWER: OBJECTION to the term "study" as vague and undefined. **ADMIT**

1 **REQUEST FOR ADMISSION NO. 44:** Admit that the WSLCB competes with
2
3 plaintiff with respect to sales of wine and beer to consumers.
4

5 **ANSWER:** OBJECTION to the phrase "competes with plaintiff" as undefined, vague
6
7 and ambiguous. LCB ADMITS, except to the extent that the LCB sells similar wine products as
8
9 the plaintiff's store but does not sell very much beer. DENIES, in that the LCB market share of
10
11 wine has been dropping compared to private retailers share of the wine market. See December
12
13 2003 A Comparison of Wine Prices: State Liquor Stores and Major Grocery Chains.
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23 **REQUEST FOR ADMISSION NO. 45:** Admit that Costco would compete with the
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25 WSLCB with respect to sales of wine and beer to small retailers but for the prohibitions and
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27 requirements.
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29 **ANSWER:** OBJECTION vague and ambiguous. DENIED LCB lacks sufficient
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31 information as to what Costco would do in respect to small retailers.
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35 **REQUEST FOR ADMISSION NO. 46:** Admit that Costco would compete with the
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37 distributors with respect to sales of wine and beer to small retailers but for the prohibitions and
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39 requirements.
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41 **ANSWER:** OBJECTION vague and ambiguous. DENIED LCB lacks sufficient
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43 information as to what Costco would do in respect to small retailers.
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1 DATED: August 1, 2005.
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4 **PERKINS COIE LLP**
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6

7 By: _____
8 David J. Burman, WSBA #10611
9 Shylah R. Alfonso, WSBA #33138
10 1201 Third Avenue, Suite 4800
11 Seattle, WA 98101-3099
12 Telephone: 206-359-8000
13 Fax: 206-359-9000
14 dburman@perkinscoie.com
15 salfonso@perkinscoie.com
16
17
18

19
20 **SANDLER AHERN & McCONAUGHY PLLC**

21 By: signature approval via electronic mail
22 Michael D. Sandler, WSBA #15027
23 1200 Fifth Avenue, Suite 1900
24 Seattle, WA 98101-3135
25 Telephone: 206-346-1751
26 Fax: 206-346-1755
27 mike@sandlaw.com
28
29

30 *Attorneys for Plaintiff Costco Wholesale Corporation*
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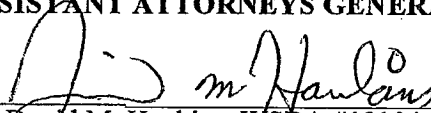
RULE 26(g) CERTIFICATION

I have read the foregoing answers and objections to these Plaintiff's Requests for Admission to WSLCB Defendants and certify that, to the best of my knowledge, information and belief, formed after a reasonable inquiry, they comply with the requirements of Federal Rule of Civil Procedure 26(g).

Dated this 1st day of August, 2005.

ASSISTANT ATTORNEYS GENERAL

By



David M. Hankins, WSBA #19194

Martha P. Lantz, WSBA # 21290

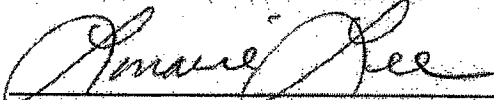
Attorneys for Defendants Roger Hoen, Vera Ing,
and Merritt Long

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VERIFICATION

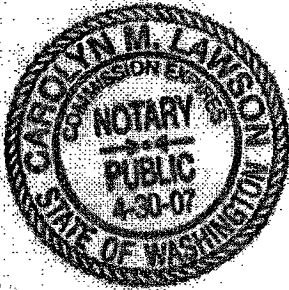
STATE OF WASHINGTON)
) ss:
COUNTY OF THURSTON)

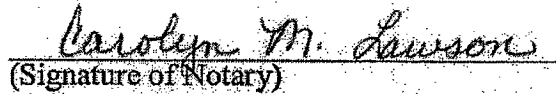
I have been delegated the authority to review and sign on behalf of the officials of the
Liquor Control Board and, pursuant to CR 33, I certify that I have read the foregoing
Responses to Requests for Production and believe them to be true and correct.



LORRAINE LEE
Liquor Control Board
Director of Licensing & Regulation

SUBSCRIBED AND SWORN to before me this 1st day of August, 2005.




(Signature of Notary)

CAROLYN M. LAWSON
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Olympia
My Appointment Expires: 4/30/07

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CERTIFICATE OF SERVICE

On August 1, 2005, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of Requests for Admission to WSLCB Defendants.

David M. Hankins, WSBA # 19194	<u> X </u>	Via hand delivery
Assistant Attorney General	<u> </u>	Via U.S. Mail, 1st Class,
DavidH1@ATG.WA.GOV	<u> </u>	Postage Prepaid
	<u> </u>	Via Overnight Delivery
Attorney for Defendants	<u> </u>	Via Facsimile
Roger Hoen, Vera Ing, and Merritt Long	<u> </u>	Via E-filing

John C. Guadnola, WSBA #8636
Gordon, Thomas, Honeywell,
Malanca, Peterson & Daheim LLP
jguadnola@gth-law.com
Attorneys for Intervenor Defendant Washington
Beer and Wine Wholesalers Association

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this _____ day of _____, 2005.

David J. Burman, WSBA #10611
Shylah R. Alfonso, WSBA #33138
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Telephone: 206-359-8000
Fax: 206-359-9000
dburman@perkinscoie.com
salfonso@perkinscoie.com

CERTIFICATE OF SERVICE

I certify that on August 1st, 2005, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy Answers and Objections of Defendants to Plaintiff's Second Interrogatories to WSLCB Defendants.

Party

Method of Service

David J. Burman
Shylah R. Alfonso
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle WA 98101-3099

☒ US Mail Postage Prepaid
☐ Certified Mail Postage Prepaid
☐ State Campus Mail
☐ ABC/Legal Messenger
☐ UPS Next Day Air
☐ By Fax
☐ By CM/ECF
☐ Hand delivered by:

Party

Method of Service

John C. Guadnola
Bradley Buckhalter
Gordon Thomas Honeywell Malanca
Peterson & Daheim LLP
1201 Pacific Avenue Suite 2100
PO Box 1157
Tacoma WA 98401

☒ US Mail Postage Prepaid
☐ Certified Mail Postage Prepaid
☐ State Campus Mail
☐ ABC/Legal Messenger
☐ UPS Next Day Air
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Party

Method of Service

Michael D. Sandler
Sandler Ahern & McConaughy PLLC
1200 Fifth Avenue Suite 1900
Seattle WA 98101-3135

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☐ Certified Mail Postage Prepaid
☐ State Campus Mail
☐ ABC/Legal Messenger
☐ UPS Next Day Air
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Party

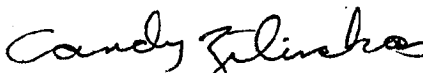
Method of Service

Paul R. Romain
1900 Fox Tower
805 SW Broadway
Portland OR 97205-3359

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☐ UPS Next Day Air
☐ By Fax
☐ By CM/ECF
☐ Hand delivered by:

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 1st day of August, 2005, at Olympia, Washington.


CANDY ZILINSKAS
Legal Assistant